REMARKS

Claims 1-5 are pending and remain in the application. Claims 1 and 2 have been amended. No new matter has been entered.

The Information Disclosure Statement (IDS) mailed on July 27, 2006 was not acknowledged in the present Office action. The IDS was timely filed and must be considered on the record. 37 C.F.R. 1.97(c). Acknowledgement of the foregoing IDS and entry of the cited art references is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicant traverses the rejection. The specification contains subject matter that enables one skilled in the art to make and use the invention. MPEP 2164.

Amended Claim 1 recites a cartridge comprising zone of influence data to define one or more zones of influence and wherein each zone of influence is described by a plurality of stored geolocational data, user event data to define one or more user events, and event data to associate one or more of the user events with each zone of influence, wherein each user event specifies a trigger condition based on the stored geolocational data for the associated zone of influence. The term "cartridge" is first defined in the specification on page 8, lines 3-5 as a collection of zones, items, events, and non-player characters, which create a user experience in the physical world using geolocational data. The term is further described throughout the specification, including on page 9, lines 20-24, which describes the cartridge as being executed on a wireless computing device (WCD). The WCD downloads the cartridge from a centralized server via an internetwork, such as the Internet (p. 10, lines 17-19). The cartridge is stored in a database, which is coupled to the centralized server (p. 10, lines 20-22). A client can organize the cartridges database and build new cartridges for use in the wireless computing device (p. 10, lines 27-29).

Each cartridge stores a sequence of events, which can be linked to one or more zones of influence (p. 10, line 30-p. 11, line 2). A production server generates the cartridge based on user instructions received from the client (p. 17, lines 20-21). The cartridges are preferably expressed in a page description

language, such as the Extensible Markup Language (XML) (page 17, lines 24-26). The cartridge includes a plurality of tags to identify zones of influence *(<zones>)*, objects *(<objects>)*, and non-player characters *(<npcs>)* (p. 18, lines 12-14). The cartridge is compiled by the compiler into an interpretable cartridge for downloading and execution on a wireless computing device (p. 17, line 20-p. 18, line 2). Therefore, the specification provides support for the term "cartridge" to enable a person skilled in the art to make and use the invention as claimed.

Further, amended Claim 1 recites a wireless computing device to execute the cartridge, the wireless computing device comprising a locational device to self-identify a location of the wireless computing device based on further geolocational data and a processor to trigger at least one user event on the cartridge when the further geolocational data substantially correlates to the stored geolocational data for the zone of influence associated with the trigger condition of the at least one user event. Support for the amendment can be found in the specification on page 9, line 15 to page 10, line 16. No new matter has been entered.

Accordingly, independent Claim 1 is enabled by the specification. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant traverses the rejection.

During examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048 (Fed. Cir. 1997). New terms are permissible, and often desirable, to describe and define new subject matter. MPEP 2173.05(a). If the claims read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute, 35 U.S.C. § 112, second paragraph, demands no more. *Id.*

Amended Claim 1 recites zone of influence data to define one or more

zones of influence and wherein each zone of influence is described by a plurality of stored geolocational data. The zones of influence are described using the geolocational data to define an enclosed space through which a user progresses (p. 10, lines 3-5, p. 10, line 30-p. 11, line 2). The zones of influence can be in the shape of a two-dimensional vector based zone of influence, such as a square; a two-dimensional point radius zone of influence, such as a circle; a three-dimensional vector based zone of influence, such as a cube; and a three-dimensional point radius zone of influence, such as a cylinder (p. 13, line 4-p. 15, line 3). An example of a user character progressing through the zones of influence is provided in the specification on page 15, line 12 to page 17, line 9. The zones of influence are further supported in the specification on page 21, lines 15-21; page 23, lines 10-15; page 23, lines 19-25; page 24, lines 13-26; and page 26, lines 6-14. Thus, one skilled in the art can ascertain the structure and utility of a "zone of influence" when the claims are read in light of the specification.

Claim 1 has also been amended to recite a wireless computing device to execute the cartridge, the wireless computing device comprising a locational device to self-identify a location of the wireless computing device based on further geolocational data and a processor. The wireless computing device contains the locational device and processor, which is supported in the specification on page 9, line 18 to page 10, line 16. Therefore, the specification supports independent Claim 1, which distinctly claims a wireless computing device to execute a cartridge and that contains a locational device and a processor.

The remaining issues under the 35 U.S.C. § 112, second paragraph, rejection are addressed in the claim amendments. Accordingly, Claim 1 is definite. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,320,495 to Sprogis. A claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 1231.

Applicant traverses the rejection.

Sprogis discloses a treasure hunt type game that utilizes global positioning satellite (GPS) equipped wireless communication devices (Abstract). Players are given clues or directions to proceed along a predetermined treasure hunt route based upon their location as determined by a GPS receiver (Abstract; Col. 2, lines 3-20 and 67-Col. 3, lines 4-18; Col. 5, lines 11-29). A gamemaster computer program (gamemaster) is designed to run the treasure hunt from a central Website (Col. 3, lines 4-5, 19-26 and 51-55). The gamemaster inputs a general map of the treasure hunt territory, which is divided into a plurality of smaller segments, each assigned a unique number (Col. 4, lines 15-19). The players' GPS receivers receive locational data, which is transmitted back to the gamemaster by the wireless communications device (Col. 3, lines 5-8). The gamemaster then determines the next clue to be given to a player based upon the player's location in relation to a particular segment, as well as other variables, such as the number of clues the player has correctly answered and the position of other players (Col. 2, lines 12-16; Col. 3, lines 9-15; and Col. 5, lines 8-25).

Amended Claim 1 recites a cartridge comprising zone of influence data to define one or more zones of influence and wherein each zone of influence is described by a plurality of stored geolocational data, user event data to define one or more user events, and event data to associate one or more of the user events with each zone of influence. Sprogis neither teaches nor suggests a cartridge that contains zone of influence data, user event data, and event data. Rather, Sprogis teaches a gamemaster to run a treasure hunt type game. The gamemaster inputs a map of the game territory, which is divided into segments (Sprogis, Col. 4, lines 15-17). Locational data, from the wireless communication device, is sent to the gamemaster for determining the player's location within a particular segment on the map (Sprogis, Col. 3, lines 7-9). The gamemaster then determines a clue for presenting to a player based on the player's location, other players' locations, and similar variables (Sprogis, Col. 4, lines 20-24). Both the clues and map segments are associated with the gamemaster, rather than with a cartridge. The gamemaster differs from the cartridge of Claim 1 because the gamemaster is a software

program that is designed to centrally run the treasure hunt type game by storing the game territory map and providing clues to multiple players (Sprogis, Col. 2, lines 11-13). In contrast, a cartridge contains a collection of zones, items, events, and non-player characters (Spec., page 8, lines 3-5). A wireless computing device executes the cartridge to obtain the collection of zones, items, events, and non-player actions for providing to a user (Spec., page 9, lines 20-24). Therefore, Sprogis teaches a gamemaster computer program, rather than a cartridge, for storing maps and determining clues.

Amended Claim 1 further recites a wireless computing device to execute the cartridge, the wireless computing device comprising a locational device to self-identify a location of the wireless computing device based on further geolocational data and a processor to trigger at least one user event on the cartridge when the further geolocational data substantially correlates to the stored geolocational data for the zone of influence associated with the trigger condition of the at least one user event. Sprogis fails to teach or suggest a wireless computing device that includes a processor to trigger at least one user event on the cartridge. Rather, Sprogis teaches gamemaster computer software for providing a clue dependent upon a player's location and other variables. The gamemaster imports a general map of the game territory, which is divided into a plurality of segments, each with a unique number (Sprogis, Col. 4, lines 17-19). Navigational data is received by the GPS receiver and transmitted to the gamemaster via the wireless communication device (Sprogis, Col. 4, lines 7-9). The gamemaster uses the navigational data to determine clues for providing to a player once the player enters a new segment on the map (Sprogis, Col. 5, lines 11-12). The clues are sent to the wireless communications device for displaying to the player (Sprogis, Col. 3, lines 13-18). Therefore, Sprogis teaches a gamemaster for triggering, determining, and providing clues to a user, rather than a processor on a wireless computing device.

Accordingly, Sprogis fails to teach each and every limitation of Claim 1. Withdrawal of the rejection is respectfully requested.

Per MPEP 2114, Claim 1 has been amended to clarify the claimed subject-

matter as discussed with reference to the 35 U.S.C. § 102(e) rejection.

Claims 1-5 are believed to be in a condition for allowance. Entry of the claim amendments and further examination are requested. A Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

Respectfully submitted,

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